HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

Writ Appeal No.1109 of 2005

Between:

Guddeti Gangamani … Appellant

And

The Commissioner of Land Revenue, A.P., Hyderabad

And three others. … Respondents.

::JUDGMENT::

December 05, 2005

Per G.S. Singhvi, CJ

This appeal is directed against order dated 15-4-2004 passed by the learned Single Judge whereby he dismissed the writ petition filed by the appellant for quashing the proceedings initiated under A.P.District Formation Act, 1974 (for short 'the Act') for bifurcation of Village Padkal and creation of a separate revenue village under the name and style "Keshpally".

Learned Single Judge dismissed the writ petition by making a reference to the judgment of the Supreme Court in **J.R. Raghupathi v. State of A.P.**

Learned counsel for the appellant criticised the order under appeal by arguing that the same is devoid of reasons. He emphasized that while deciding the petition filed under Article 226 of the Constitution, the learned Single Judge was duty bound to analyse the facts and record reasons for accepting or not accepting the plea set up by his client.

In the context of the submission made by the learned counsel for the appellant, we may have examined the question whether, while deciding writ petition filed under Article 226 of the Constitution, it is imperative for the learned Single Judge to pass a speaking order, but do not consider it to undertake that exercise because learned Government Pleader states that final notification under Section 3 (5) of the Act has not been issued so far and that final notification will be issued by the competent authority after considering the objections filed by the appellant against preliminary notification dated 15-7-1993 and report dated
31-5-1994 submitted by Mandal Revenue Officer, Jakranpally and, in our considered view, this should be sufficient to allay the fear of the appellant that the concerned authority will issue final notification without examining their objections.

Insofar as the appellant's challenge to the levy of land revenue and local cess is concerned, learned counsel did not press the same.

In view of the above, the appeal is disposed of with a direction that final notification under Section 3 (5) of the Act be issued by the competent authority within two months from today after considering the objections of the appellants and the report submitted by Mandal Revenue Officer, Jakranpally.

G.S. SINGHVI, CJ

C.Y. SOMAYAJULU, J

December 05, 2005

svs